

MICHAEL J. GARCIA

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Southern District of New York  
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**FILE COPY**

07 CV 6483

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MAX SHNETMAN,

Plaintiff,

v.

2100 WHITE PLAINS ROAD, LLC,  
GALAXY MANAGEMENT, INC., "JOHN  
DOE," and "JANE DOE, INC." (Said names  
being fictitious it being the intention of  
plaintiff to designate any and all owners of  
2100 White Plains Road being sued herein,

Defendants.

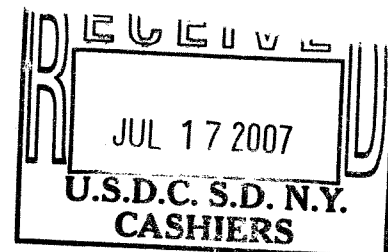
2100 WHITE PLAINS ROAD, LLC., and  
GALAXY MANAGEMENT, INC.,

Third-Party Plaintiffs,

v.

UNITED STATES OF AMERICA,

Third-Party Defendant.



NOTICE OF REMOVAL

07 Civ. \_\_\_\_\_

from the Supreme Court of the State of  
New York, County of Bronx,  
Index Nos. 18068/07 and 85952/07

Third-Party Defendant, the United States of America ("United States"), by its attorney,  
MICHAEL J. GARCIA, United States Attorney for the Southern District of New York, hereby  
removes the above-captioned action to the United States District Court for the Southern District of

New York. The grounds for removal are as follows:

1. On or about May 11, 2004, Plaintiff Max Shnetman ("Plaintiff") filed a Summons Verified Complaint (Index No. 18068/2004) against Defendants 2100 White Plains Road, LLC and Galaxy Management, Inc. (collectively, the "Defendants/Third-Party Plaintiffs"), as well as certain unnamed defendants, in the Supreme Court of New York, Bronx County. A true and correct copy of the Summons and Verified Complaint is attached hereto as Exhibit 1, Tab C (Complaint).

2. On or about May 17, 2007, the Defendants/Third-Party Plaintiffs, filed a Third-Party Complaint against the United States of America, seeking to recover damages caused by the alleged negligence of the United States and suing the United States under the Federal Tort Claims Act ("FTCA"). A true and correct copy of the Third-Party Complaint is attached hereto as Exhibit 1, Tab D.

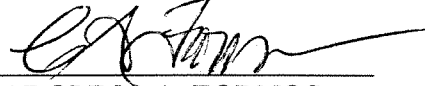
3. Pursuant to 28 U.S.C. § 1442(a), this action is being properly removed from the Bronx County State Court. 28 U.S.C. § 1442(a)(1) provides, in pertinent part, that a civil action commenced in State court against the United States or any agency thereof "may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending." *See* 28 U.S.C. § 1442(a)(1).

4. The submission of this notice of removal is solely for the special purpose of removing this action to the appropriate federal court and is not a general appearance by the United States. This Office makes a limited appearance on behalf of the United States solely for the purpose of removal of this action. This submission does not constitute a waiver of any defense available to the United States, including any defense under Rule 12 of the Federal Rules of Civil Procedure.

Dated: New York, New York  
July 17, 2007

Respectfully submitted,

MICHAEL J. GARCIA  
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Southern District of New York



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